

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9956 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

FARID AHMED MAQSOOD AHMED SHAIKH

Versus

STATE OF GUJARAT

Appearance:

MR HASHIM QURESHI for Petitioner
MS MANISHA LAVKUMAR, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/06/2000

ORAL JUDGEMENT

1. The petitioner's daughter Shirin Bano was born on 6th August, 1989. On 13th August, 1989, the entry is made in the register of Births and Deaths accordingly. It is the case of the petitioner that the Spiritual Master of the petitioner advised for change of name of

his daughter. On 8th December, 1989, the petitioner made an affidavit declaring change of his minor daughter's name from Shirin Bano to Afifa Bibi. That declaration is published in the official gazette on 28th December, 1989. The petitioner made an application for making of correction in the Births and Deaths register. However, on 12th October, 1990, that request was turned down. On 15th April, 1998, the petitioner made an application to the respondents pointing out the decision of this court in the case of Dr. Sukumar Mehta vs. District Registrar, Births and Deaths reported in 1993 (1) GLR 93 and requested for change of name of his daughter in the register of Births and Deaths. That has not been done. Earlier also, the petitioner filed a petition being special civil application No. 6941 of 1990. That was dismissed for non-prosecution and M.C.A. filed for restoration thereof has also been dismissed. This petition has been filed for the relief of change of name of his daughter in the register of Births and Deaths.

2. I find from the order of this court dated 18th November, 1998, in M.C.A. No. 855 of 1998, that the court has granted liberty to the petitioner to file a fresh petition for the same cause of action. So the dismissal of the earlier petition will not have any hurdle in the way of the petitioner to file this petition.

3. Learned counsel for the petitioner submits that this special civil application is squarely covered by the decision of this court in case of Dr. Sukumar Mehta vs. District Registrar, Births and Deaths reported in the case of 1993 (1) GLR 93.

4. On the other hand, the learned counsel for the respondents submits that only in case where there is some mistake in the entry it can be corrected. It is not the case of correction of mistake in the entry but change of entry which does not fall under any of the provisions of the Registration of Births and Deaths Act, 1963.

5. I do not find any merits in this contention. I am satisfied that this matter is squarely covered by the decision of this court in the case of Dr. Sukumar Mehta vs. District Registrar, Births and Deaths (supra).

6. In the result, this special civil application succeeds and the same is allowed. The respondent No.2 is directed to entertain the application of the petitioner by accepting the same and to amend the entry in the Births and Deaths Register by amending the name of female

minor child of the petitioner from Shirin Bano to Afifa Bibi and to initial such entry after correction of the same. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-